



Information **UPDATE**

Wisconsin Department of Public Instruction/Elizabeth Burmaster, State Superintendent/P.O. Box 7841/ Madison, WI 53707-7841

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TO: District Administrators, CESA Administrators, CCDEB Administrators,
Directors of Special Education and Pupil Services, and Other Interested Parties

FROM: Carolyn Stanford Taylor, Assistant State Superintendent
Division for Learning Support: Equity and Advocacy

SUBJECT: Physical Education for Children with Disabilities

The Special Education Team receives many requests for information regarding the provision of physical education to children with disabilities. As a result of those requests, we are providing this update to Information Update Bulletin 88.02 in the form of answers to commonly asked questions. If you have further questions about this topic, please contact the Special Education Team at 608-266-1781.

1. Must physical education be made available to all children with disabilities?

Yes. Federal regulations implementing the Individuals with Disabilities Education Act (IDEA) at 34 CFR 300.307 Physical Education states:

- (a) *General.* Physical education services, specially designed if necessary, must be made available to every child with a disability receiving a free appropriate public education.
- (b) *Regular physical education.* Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless--
 - (1) The child is enrolled full time in a separate facility; or
 - (2) The child needs specially designed physical education, as prescribed in the child's individualized education program (IEP).
- (c) *Special physical education.* If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child shall provide the services directly or make arrangements for those services to be provided through other public or private programs.
- (d) *Education in separate facilities.* The public agency responsible for the education of a child with a disability shall ensure that the child receives appropriate physical education services in compliance with paragraphs (a) and (c) of this section.

Physical education, specially designed or regular, must be provided to children with disabilities in separate facilities as it would be in an integrated setting.

In addition, section 121.02 (1)(L), Wis. Stats., and the accompanying rules pertaining to school district standards state that school boards will provide instruction in physical education to all pupils.

2. Are there any circumstances in which a child with a disability may be exempted or excused from physical education participation?

Yes. A doctor's statement to the effect that participation in physical education would be detrimental to the health and well-being of the student would be sufficient to exempt or excuse the child with a disability from physical education.

3. Must the child with a disability receive the same amount of physical education instruction as the student without a disability?

Yes. The child with a disability should receive the same amount of physical education instruction as a child without a disability, unless it is determined by the IEP team that this is one of the essential elements that should be modified and this modification is specified in the individualized education program (IEP). This recommendation for modification must be based on a child's unique needs, not availability of services.

4. What is meant by the terms "adaptive physical education" and "specially designed physical education"?

The Department of Public Instruction Bulletin No. 6230, entitled "A Guide to Curriculum Planning in Physical Education," defines adaptive physical education as follows:

"Adaptive physical education is a diversified program of developmental activities, games, sports, and rhythms suited to the interests, capacities, and limitations of students with disabilities who may not safely or successfully engage in unrestricted participation in various activities of the general physical education program."

As in other areas of the regular education program, adaptations or modifications can be made in the regular physical education program to allow a student access to the general curriculum and to meet academic standards. These adaptations might not require special education and can be provided to any student with or without a disability.

The phrase "specially designed physical education" is part of the definition of special education found at 34 CFR 300.26 which reads:

- (a) *General.* (1) As used in this part, the term *special education* means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including-- * * *

(ii) Instruction in physical education.

* * *

- (b) *Individual terms defined.* The terms in this definition are defined as follows:

* * *

- (2) Physical education--

(i) Means the development of--

(A) Physical and motor fitness;

(B) Fundamental motor skills and patterns; and

(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

- (ii) Includes special physical education, adapted physical education, movement education, and motor development.
- (3) Specially-designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction--
 - (i) To address the unique needs of the child that result from the child's disability; and
 - (ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

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5. When is physical education considered to be special education?

When an IEP team has evaluated a child under s. 115.782, Wis. Stats., the IEP team must decide if the child has an impairment in one of the areas listed under s. PI 11.36. These areas are cognitive disability, orthopedic impairment, visual impairment, hearing impairment, speech or language impairment, specific learning disability, emotional behavioral disability, autism, traumatic brain injury, other health impairment, and significant developmental delay. If the child meets the criteria in one of these areas, the IEP team must decide if the child needs special education. The team may decide the child needs specially designed physical education to address the unique needs of the child that result from the child's disability. In these circumstances, the IEP team has identified both an impairment and a need for special education and will go on to write the IEP to address this need. For some children, specially designed physical education may be the only special education service included on the IEP. For other children, specially designed physical education may be included on the child's IEP in addition to other special education services. The IEP team also considers whether the child needs any other services such as related services or supplementary aids and services.

6. To receive specially designed physical education, must a child have any particular impairment (e.g. an orthopedic impairment)?

No. The services and placement needed by each child with a disability to receive a free appropriate public education must be based on the child's unique needs and not on the child's disability. 34 CFR 300.300 (a)(3)(ii).

7. What qualifications must a teacher possess in order to provide either adaptive or specially designed physical education?

In Wisconsin, any licensed physical education teacher (530) may legally teach children with disabilities in regular, including modified or adapted, and specially designed physical education programs.

Currently, a license may be issued in adaptive physical education (860) to an applicant who has completed an approved program, who has received the institutional endorsement, and who meets the requirements in b) and c) below:

- b) holds a regular license in physical education;
- c) completes a minimum of a 12 semester credit concentration in adaptive physical education including course work in:
 - 1. psychology/nature of the exceptional child;

2. modification of content, instructional strategies and the learning environment in physical education;
3. practicum in adaptive physical education.

Please see chapter PI 34 of the Wisconsin Administrative Code for license requirements after July 1, 2004. Licensure in Adaptive Physical Education is required for physical education teachers whose salaries are being funded with state or federal special education funding.

8. When physical therapy is provided to a child, could this be used to fulfill the physical education program requirement?

No. Physical therapy is a related service whereas physical education is a component of the educational program that is required for all children.

9. Must a child need specially designed physical education in order to receive occupational therapy or physical therapy?

No. A child may receive occupational therapy or physical therapy when it is required to assist the child to benefit from any special education described in the child's IEP.

10. Would participation in the Special Olympics program be considered adequate to fulfill the physical education requirement?

No. Special Olympics cannot be used to substitute for the physical education that must be provided to each student. However, it may be an extracurricular or recreational activity. The curricular materials developed by Special Olympics could be used as sports and recreational activities skill-builders in the physical education program.

If you have further questions regarding specialized physical education services to children with disabilities, please contact Patricia Bober, Education Consultant, Occupational Therapy, at 608-266-5194.

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This information update can also be accessed through the Internet:

<http://www.dpi.state.wi.us/dpi/dlsea/een/bulindex.html>